IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Crl.MC.No. 1689 of 2007()

(IN CRIME NO. 404/05 OF KADAKKAL POLICE STATION)

PETITIONER/ACCUSED:

ABDUL RAHIM ISHAK, AGED 50,
JASMIN MANZIL, PALLIMUKKU, ANAPPARA VILLAGE,
KADAKKAL, KOLLAM.

BY ADV. SRI.A.AHZAR

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. JAYANTHI, D/O. SARASWATHY,
ATTINPURAMBOKE, VEPPAN KONAM, THUKALAY TALUK,
KANAYAKUMARI.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1689 of 2007

Dated this the 30th day of May 2007

O R D E R

The petitioner faces allegations under Section 376 I.P.C. The crux of the allegation is that a home nurse who was brought to his residence was allegedly raped by him on a number of occasions from 06/06/2005 to 28/06/2005. The F.I.R was registered on 20/08/2005.

2. The learned counsel for the petitioner submits that the allegations are so inherently improbable and unnatural that no reasonable person can place reliance on the allegations raised. That the alleged sexual intercourses were not without the consent of the alleged victim is indicated and probabilised by the very version, it is urged. The version of the complainant cannot be accepted and therefore the F.I.R may be quashed, it is prayed.

3. It is true that reservations are raised in the mind of the court on certain aspects when the allegations are considered. But certainly that is no reason for a court to invoke the powers

under Section 482 Cr.P.C and to bring to premature termination an investigation which is commenced on the basis of the F.I.S lodged by the victim. Certainly the investigating officer will have to cross-check all the details and come to appropriate conclusions on the acceptability of the allegations raised by the defacto complainant. I do not find any merit in the prayer of the petitioner for quashing of the proceedings at this stage. The petitioner, it is submitted, has not so far approach this court seeking anticipatory bail. The petitioner can of course file such application before the appropriate court.

4. This Criminal Miscellaneous Case is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007